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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NELSON ORELLANA,

Defendant.

CR No.: 09-00096-LHK

AMENDED STIPULATION #3-DRUGS

The United States of America, by and through Melinda Haag, United States Attorney for the Northern District of California, Grant P. Fondo and Jeffrey D. Nedrow, Assistant United States Attorneys, and Nelson Orellana, by and through his attorney Phil Vaughns, hereby agree and stipulate to the following:

1. Cocaine is a Schedule II controlled substance.
2. United States' Exhibit 1 was taken from a black Honda, CA license plate #4VRT487, in the Lowe's hardware store parking at 881 East Arques Avenue, Sunnyvale, California on January 13, 2009.
3. The defendant does not object to the admission of United States Exhibit 1 on the grounds of chain of custody, hearsay, authenticity or best evidence.
4. United States' Exhibit 1 was tested by Forensic Chemist Kacie M. Crowther and

1 found to have a net weight of 993.8 grams of cocaine.

2 5. United States' Exhibit 1B is the packaging material in which Exhibit 1 was  
3 wrapped at the time of its seizure. The defendant does not object to the admission of United  
4 States' Exhibit 1B on the grounds of chain of custody, hearsay, authenticity or best evidence.

5 6. The defendant agrees that this stipulation may be read to the jury.

6 DATED:

Respectfully Submitted,

7  
8 MELINDA HAAG  
United States Attorney

9 /s

/s

10 PHIL VAUGHNS  
11 Attorney for Nelson Orellana

GRANT P. FONDO  
JEFFREY D. NEDROW  
Assistant United States Attorneys

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14 IT IS SO ORDERED:

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17 HON. LUCY H. KOH  
United States District Judge